

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-153596-001 DT

04/17/2015

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT

K. L. Johnson

Deputy

STATE OF ARIZONA

JAY ROBERT RADEMACHER

v.

DAVID GERALD WALKER (001)

DOB: 07/01/1983

JASON TYLER GRONSKI

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE - IMPRISONMENT AND PROBATION

1:49 p.m.

Courtroom CCB 1303

State's Attorney: Jay Rademacher and John Schneider

Defendant's Attorney: Jason Gronski

Defendant: Present

Court Reporter, Scott Coniam, is present.

A record of the proceeding is also made by audio and/or videotape.

Victim's family members Gail Frank, John Moring, Chris Moring, and Jo Hedges address the Court.

Count(s) 1, 3, 6, 7, & 8: The Defendant was found guilty after a trial by jury.

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THE COURT FINDS that Count 3 is not a dangerous offense.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Second Degree Murder

Class 1 Dangerous Felony

A.R.S. § 13-1101, 13-1104, 13-701, 13-702, 13-704, and 13-801

Date of Offense: On or about 10/11/2012

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 3 Kidnapping

Class 2 Felony

A.R.S. § 13-1304, 13-1301, 13-3601, 13-701, 13-702, 13-801

Date of Offense: On or about 10/11/2012

Non Dangerous - Non Repetitive

OFFENSE: Count 6 Tampering with Physical Evidence

Class 6 Felony

A.R.S. § 13-2809, 13-2801, 13-701, 13-702, 13-801

Date of Offense: On or about 10/11/2012

Non Dangerous - Non Repetitive

OFFENSE: Count 7 Disorderly Conduct

Class 6 Dangerous Felony

A.R.S. § 13-2904, 13-701, 13-702, 13-704, 13-801

Date of Offense: On or about 10/11/2012

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 8 Possession or Use of Marijuana

Class 6 Felony

A.R.S. § 13-3401, 13-3405, 13-3418, 13-701, 13-702, 13-801

Date of Offense: On or about 10/11/2012

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 22 year(s) from 04/17/2015

Presentence Incarceration Credit: 917 day(s)

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Aggravated

Sentence is concurrent with Count 7.

Count 3: 7 year(s) from completion of sentence in Count 1

Presentence Incarceration Credit: 0 day(s)

Aggravated

This sentence is to be consecutive to Count 1.

Count 6: 1 year(s) from completion of sentence in Count 3

Presentence Incarceration Credit: 0 day(s)

Presumptive

This sentence is to be consecutive to Count 3.

Count 7: 3 year(s) from 04/17/2015

Presentence Incarceration Credit: 917 day(s)

Maximum

Sentence is concurrent with Count 1.

Community Supervision: Counts 1, 3, 6, & 7 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 8.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 8: For a period of 1 year.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

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Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 9 - May apply for Interstate Compact supervision in the state of Illinois and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 8 - \$65.00 per month.

FINE: Count 8 - Total amount of \$1,372.50, which includes surcharges of 83%, payable \$50.00 per month.

PROBATION ASSESSMENT: Count 8 - \$20.00.

Count 8: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

INTERSTATE COMPACT APPLICATION FEE: Count 8 - \$300.00, payable in full at the time of submission of the application.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 8 - \$13.00.
Investigative Agency:

Phoenix Police Department

Count 8: Technical Registration Fund in the amount of \$15.00.

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Condition 17 - Count 8: Complete a total of 24 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Domestic Violence

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

LET THE RECORD REFLECT Defendant was found not guilty of Counts 2, 4, and 5.

LET THE RECORD FURTHER REFLECT Count 9 was previously dismissed by the State.

Count(s) 1, 3, 6, & 7: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 8: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

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IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

2:57 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MICHAEL W. KEMP
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)